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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: **NOV 23 1983**

SUBJECT: Anticipated Call from Illinois Attorney General's
Office to Discuss the Contaminated Chips Problem

FROM: Mary Ellen Lynch *mel*
Congressional Liaison

TO: Alan Levin
Deputy Regional Administrator

EPA Region 5 Records Ctr.



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Mr. Ficaro, Deputy Illinois Attorney General, or Mr. Drazek, Assistant Illinois Attorney General, may call you this week to discuss the contaminated chips problem. Jon McPhee of our Regional Counsel's office talked with them this morning at the Cook County Circuit Court Hearing. Ficaro told McPhee that he wants to open a better communications channel between the AG and USEPA. McPhee suggested he call you.

Cook County Circuit Court Judge Green is hearing the case in which the AG has sued the trailer owners and the chips generators. It is in the context of the hearings in that case that IEPA asked us for the letter to Rich Carlson which outlined our immediate removal proposal. The AG has represented to Judge Green that USEPA is "taking over" the chips problem, and Judge Green appears to assume that USEPA is now moving toward final disposal of the chips. Bob Schaefer has been our contact with the AG; however, it is clear from Judge Green's statements during the hearings this week (I attended the Monday hearing) and press stories about the case that the AG needs to fully understand our position and correctly represent that position to Judge Green.

If either Ficaro or Drazek should call, you should consider discussing with them the following:

1. It is important that the AG and USEPA communicate regularly so that the AG understands exactly what our position is regarding the use of Superfund and what the immediate removal action includes and does not include, and so that USEPA understands what the AG is doing in the court hearings.
 - USEPA is not a party to the AG's suit so the AG must be able to accurately represent our position to Judge Green.
 - The AG (Bud Murdock) is telling Judge Green that we will "deal with the problem" so the Judge and the press expect us to implement some plan to dispose of the chips. The Judge needs to know exactly what our plans are.

2. Our most direct and immediate relationship with the State is through the IEPA. We would like to see the three Agencies - IEPA, AG, USEPA - work together in a productive, non-adversarial relationship.
 - The situation is complicated because of the nature of the material, because we are not sure of a disposal method, and because we do not know whether the sites meet the NPL criteria for planned removal. We would like the three agencies to communicate so we do not further complicate the problem by giving out conflicting information.
3. The three agencies need to operate in an atmosphere of mutual trust, and talk first before making statements about the situation.
 - Bob Schaefer would like this point emphasized. Our relationship to date with the AG is described by him as "spotty" and he believes it is in our best interest to lay out our concern that the AG is not correctly representing our position.
 - It is also in the AG's best interest to develop a better relationship with us because they are in a box because they cannot address the cleanup problem without the help of USEPA and IEPA.

I have discussed this with Bob Schaefer. He thinks he has been able to make some progress with the AG, but that Mr. Ficaro's involvement would help his cause.

cc: Valdas V. Adamkus
Mary Canavan
Bob Schaefer